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09/782,061	02/14/2001	Haruki Furusawa	401081	1852

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700 THIRTEENTH ST. NW  
SUITE 300  
WASHINGTON, DC 20005-3960

EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,061

Applicant(s)

FURUSAWA ET AL.

Examiner

Thanh T. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This communication is responsive to Amendment, filed 06/02/2004.

Claims 1-15 are pending in this application. In the Amendment, claims 1-7 were amended, and claim 15 was added.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, and 6-11, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen (U.S. Pat. No. 6,256,033).

Per claim 1, Nguyen teaches a portable apparatus comprising:

inputting means for inputting instruction information for effecting control of an apparatus external to the portable apparatus; (figs. 2 and 3; portable apparatus 200; an apparatus external to the portable apparatus: computer 200; col. 5, lines 57-59; col. 6, lines 13-19);

transmitting means for transmitting to a central processing unit the instruction information for effecting control input through the inputting means (fig. 1; CPU 102; col. 7, lines 20-30);

receiving means for receiving from the central processing unit a remote controller control instruction, corresponding to the instruction information for effecting control, the central processing unit referring to a data base in which a plurality of remote controller control

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instructions corresponding to respective instruction information are stored (col. 7, lines 10-38);  
and

control means for controlling an operated apparatus according to the remote controller control instruction received by the receiving means (col. 6, lines 30-36; col. 7, lines 39-58).

Per claim 3, Nguyen teaches the portable apparatus according to claim 1, wherein a moving picture indicating a gesture of a user is input as the operation information to the inputting means (col. 6, lines 13-20; col. 12, lines 30-34).

Per claim 6, Nguyen teaches the portable apparatus according to claim 1, wherein an external power measured by an acceleration sensor is input as the operation information to the inputting means (col. 6, lines 21-23; col. 12, lines 34-37).

Per claim 7, Nguyen teaches the portable apparatus according to claim 1, wherein environment information measured by an environment sensor is input as the operation information to the inputting means (col. 5, lines 59-67; col. 6, lines 13-19).

Per claim 8, Nguyen teaches a remote control system, comprising:

inputting means, arranged in a portable apparatus, for inputting operation information (figs. 2 and 3; col. 6, lines 13-19);

transmitting means, arranged in the portable apparatus, for transmitting the operation information input by the inputting means (fig. 1; col. 7, lines 20-30);

a central processing unit for receiving the operation information from the transmitting means, referring to a data base in which a plurality of remote controller control instructions are stored, retrieving a remote controller control instruction corresponding to the operation

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information and sending back the remote controller control instruction corresponding to the operation information (col. 7, lines 10-38);

receiving means, arranged in the portable apparatus, for receiving the remote controller control instruction from the central processing unit; and

control means, arranged in the portable apparatus, for controlling an operated apparatus according to the remote controller control instruction received by the receiving means (col. 6, lines 30-36; col. 7, lines 38-58).

Per claim 9, Nguyen teaches a remote control system according to claim 8, wherein the central processing-unit performs an ambiguous retrieval processing, in cases where no remote controller control instruction coincident with the operation information exists, to send back a remote controller control instruction most suitable for the operation information (fig. 1; CPU 102; col. 7, lines 53-58; col. 8, lines 6-9; col. 9, lines 47-56).

Per claim 10, Nguyen teaches a remote control system according to claim 9, wherein the central processing unit learns a correspondence relationship between the operation information and the remote controller control instruction most suitable for the operation information and sends back the remote controller control instruction without performing the ambiguous retrieval processing when the central processing unit receives the same operation information as that of the correspondence relationship on a subsequent occasion (fig. 8A and 8B; col. 10, lines 51-65).

Per claim 11, Nguyen teaches a remote control system according to claim 8, wherein the central processing unit specifies a user of the portable apparatus in cases where the central processing unit has a data base of each of a plurality of users, the central processing unit refers to

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the data base of the user, and the central processing unit retrieves the remote controller control instruction corresponding to the operation information (fig. 2; a user 202; col. 7, lines 20-37).

Per claim 15, Nguyen teaches the portable apparatus according to claim 1 including a housing containing the inputting means, the transmitting, the receiving means and the control means (fig. 2, camera 200).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Muthusamy et al ("Muthusamy", U.S. Pat. No. 6,310,629).

Per claim 2, Nguyen teaches the portable apparatus according to claim 1, but does not teach a voice emitted from a user is input to the inputting means as the instruction information for effecting control. However, Muthusamy teaches a voice emitted from a user is input to the inputting means as the instruction information for effecting control (col. 2, lines 37-44; col. 3, lines 3-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Muthusamy in the invention of Nguyen because it provides users more flexibility in performing the type of function that a computer is programmed to do through speech recognition.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Dupouy (U.S. Pat. No. 6,057,845).

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Per claims 4 and 5, Nguyen teaches the portable apparatus according to claim 1, but does not teach wherein one of a letter and a symbol written by a user is input to the inputting means and wherein code information indicating one of letters and symbols is input to the inputting means as instruction information for effecting control. However, Dupouy teaches wherein one of a letter and a symbol written by a user is input to the inputting means and wherein code information indicating one of letters and symbols is input to the inputting means as instruction information for effecting control (fig. 4d and 7c; col. 2, lines 27-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Dupouy in the invention of Nguyen because it provides users more flexibility in performing the type of function that a computer is programmed to do through gesture recognition such as characters, symbols or any creation by the user.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Peterson et al. ("Peterson", U.S. Pat. No. 6,349,289).

Per claim 12, Nguyen teaches the remote control system of claim 8, but does not teach wherein the central processing unit charges a handling fee according to use of the remote controller control information instruction used in the portable apparatus. However, Peterson teaches a system monitoring access and maintaining billing records for computer usage (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Peterson in the invention of Nguyen in order to provide a system for tracking computer usage and cost associated with the computer usage.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Mack, II, et al. ("Mack", U.S. Pat. No. 6,510,325).

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Per claim 13, Nguyen teaches the remote control system according to claim 8, but does not teach the portable apparatus is a portable telephone. However, Mack teaches the portable apparatus is a portable telephone (fig. 1A and 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Mack in the invention of Nguyen in order to provide users an integrated system for which allows convenient access to both communication and capturing images in a single device.

### ***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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T. Vu

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100